



1. Whether EPA violated the Administrative Procedure Act, 5 U.S.C. § 706, when promulgating the Final Rule by failing to properly and adequately consider the climate impacts of the production of renewable biomass, particularly corn and soy, including from the continuing and prior land conversion and the effect on carbon storage and sequestration.

2. Whether EPA violated the Administrative Procedure Act, 5 U.S.C. § 706, and the Clean Air Act, 42 U.S.C. § 7545(o), when promulgating the Final Rule by disregarding its own analysis and model comparisons showing that conventional biofuels do not achieve mandated greenhouse gas reduction benefits, in direct contravention of the mandated minimum 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions, *see id.* § 7545(o)(2)(A)(i).

3. Whether EPA violated the Administrative Procedure Act, 5 U.S.C. § 706, when promulgating the Final Rule by failing to adequately consider the environmental and environmental justice harms that will result from the volumes set in the Rule.

4. Whether EPA violated the Administrative Procedure Act, 5 U.S.C. § 706, when promulgating the Final Rule by disregarding its own cost-benefit analysis that showed significant climate and financial costs to consumers on the one hand, and very little climate or environmental benefit (if any) on the other.

Respectfully submitted,

/s/Carrie Apfel

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**RULE 26.1 CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. Civ. P. 26.1 and D.C. Cir. R. 26.1, Petitioner National Wildlife Federation respectfully submits their Corporate Disclosure Statement as follows:

1. National Wildlife Federation has no parent companies, and there are no companies that have a 10 percent or greater ownership interest in the corporation. National Wildlife Federation is a national non-profit corporation organized under the laws of the District of Columbia, and its mission is to unite all Americans to ensure wildlife thrive in a rapidly changing world.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2023, I filed a copy of the foregoing Non-Binding Statement of Issues to be Raised and Corporate Disclosure Statement using this Court's CM/ECF system, which will serve notice of the filing on all parties in this case.

Respectfully submitted,

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